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Atty. Dkt. No. 040405-0365

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kazunori SHIBASAKI

Title: MOBILE COMMUNICATION  
BASE STATION DEVICE AND  
QOS CONTROL METHOD AND  
PROGRAM THEREOF

Appl. No.: 10/720,193

Filing Date: 11/25/2003

Examiner: Ngo, Ricky Quoc

Art Unit: 2663

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of a foreign office action.

**CONCISE EXPLANATION OF RELEVANCE**

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of August 16, 2005, follows:

Cited Literature 1 and 2 describe how a base station determines the allowable wired network transport capacity (transport speed) based on the effective transport speed between a wireless terminal and the base station (corresponding to “wireless link state information” in the present invention), and instructs mobile exchanges and packet control nodes on the wired network to transmit data at the determined allowable transport capacity (transport speed) (see Cited Literature 1, Abstract, paragraphs 0030 through 0032, etc., and Cited Literature 2, Abstract, etc.). Employing the well-known ATM network as the wired network in the invention described in Cited Literature 1 and 2, thereby arriving at the arrangement of the inventions according to Claims 1, 4, and 7 of the present application, is a matter which could be easily accomplished by a person skilled in the art.

**List of Cited Literature**

1. Japanese Unexamined Patent Application Publication 2001-358763
2. Japanese Unexamined Patent Application Publication 2002-171572

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Corresponding U.S. patents/publications and English language abstracts are provided.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present

application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 9, 2005

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Substitute for form 1449B/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>					
Date Submitted: September 7, 2005 <i>(use as many sheets as necessary)</i>				Application Number	10/720,193
				Filing Date	11/25/2003
				First Named Inventor	Kazunori SHIBASAKI
				Group Art Unit	2663
				Examiner Name	Ngo, Ricky Quoc
				Attorney Docket Number	040405-0365
Sheet	1	of	1	O I P E P A T E N T & T R ADE M A R K O F F I C E S E P 0 9 2005 U S P S	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO

<sup>4</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>5</sup>Applicant is to place a check mark here if English language Translation is attached.

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